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In the Supreme Court of the United States

OCTOBER TERM, 1960.

No. 105.

LAVERNE SLAGLE,
OLGA PERRY,
ROSE MLADAJAN,
EULA ANN COOPER,
PAUL BOHUS,
Appellants,

vs.

STATE OF OHIO,
Appellee.

APPEAL FROM THE SUPREME COURT OF OHIO.

BRIEF FOR APPELLEE.

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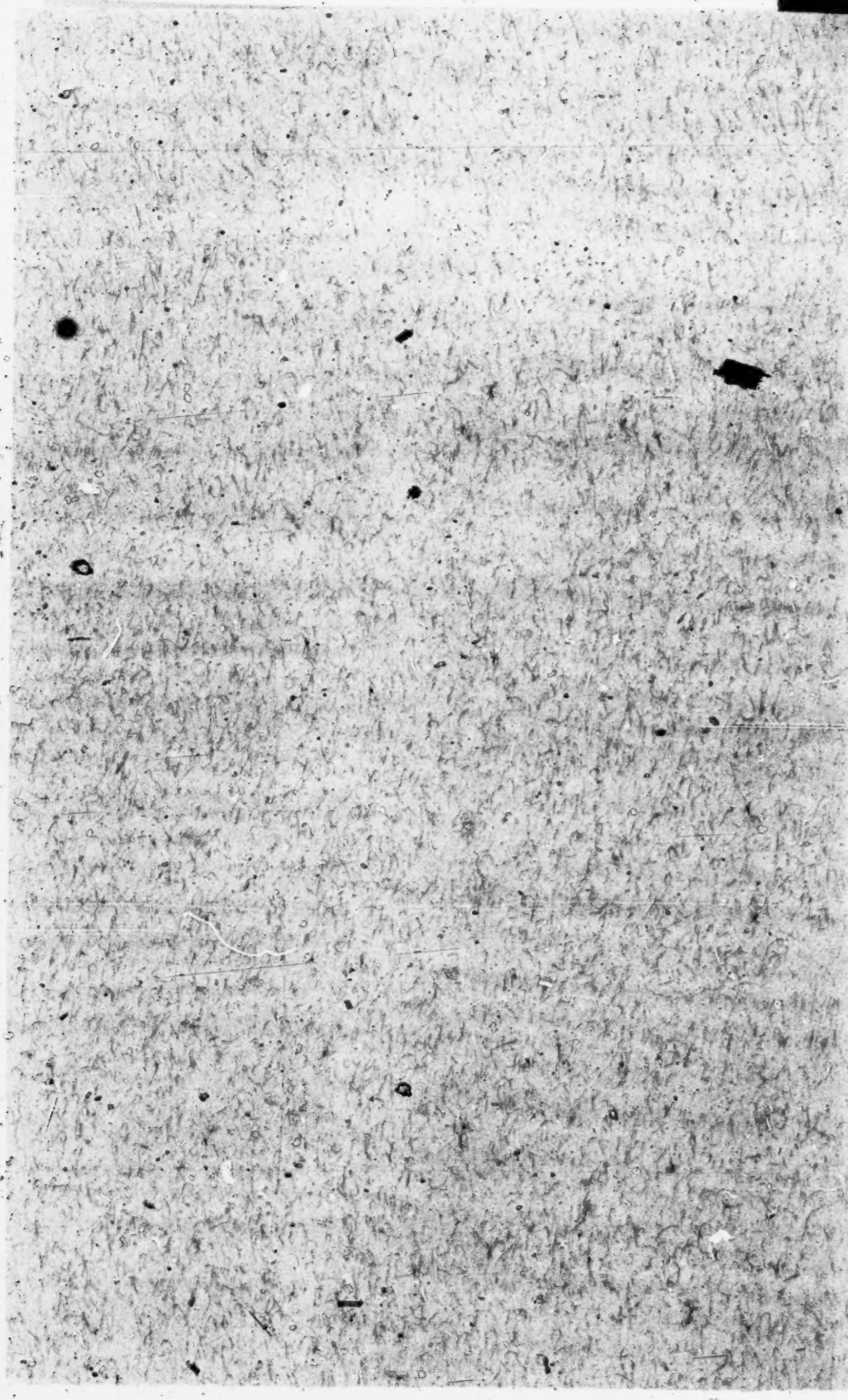

TABLE OF CONTENTS.

Statement of the Case 1

Argument 3

Conclusion 3

TABLE OF AUTHORITIES.

Cases.

Knapp vs. Schweitzer, 357 U. S. 371 3

Raley vs. Ohio, 360 U. S. 423 3

Statutes.

Ohio Revised Code:

Secs. 103.31-103.38 1

Sec. 2905.03 3

Sec. 2905.05 3

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STATEMENT OF THE CASE.

On the 21st day of October, 1953, the Un-American Activities Commission held a hearing in Stark County, Ohio, under the authority of the Constitution and the Ohio Revised Code. This Commission was first established in June, 1951, by the Ohio General Code, Sections 76-28 through 76-35. Upon the revision of the Ohio Code, these sections above mentioned were Ohio Revised Code 103.31 through 103.38, and had an effective date as of October 1, 1953. The purpose of the Commission was to hold hearings, inquire into and investigate the necessities of passing laws or amendments to existing laws in the field of Un-American Activities.

At the hearing on October 21, 1953, Laverne Slagle, Paul Bohus, Olga Perry, Eula Ann Cooper and Rose Mladajan, having been subpoenaed, appeared as witnesses before the Commission. This hearing was open to the general public and the Commission, itself, was seated in open session. The five named individuals, the Appellants in this cause, were sworn as witnesses in the presence of each other, and instructions were given to them prior to the taking of testimony. There was no separation of witnesses, and all the instructions, as well as the testimony of each, was heard by each of the Appellants. The Attorney for the Appellants, Thelma C. Furry, represented all but one of the five Appellants at the hearing before the Commission. Laverne Slagle, the fifth Appellant, was represented by an attorney by the name of Basil Pollitt, a member of the Bar of the State of New York, and was an associate of Mr. David Scribner, who had appeared before the Commission on a previous occasion.

The Commission record reveals that counsel was permitted to advise each of the clients, as well as to make statements into the record at the time of the hearing.

As the record reveals, upon the propounding of certain questions, the witnesses, and each of them, answered some in their entirety, answered some in part, and refused to answer others upon Constitutional grounds. Both the Amendment to the United States and the Ohio Constitutions were given as reasons for refusal to answer. The Commission hearing record reveals that, in the presence of all five Appellants, the immunity section of the Ohio Revised Code was made known to them. This section was known to each of the Appellants, to the Attorney representing each of them, and was reiterated to all during the hearings that were held on the 21st day of October, 1953. Direct questions were asked of all the Appellants and two

of them were specifically commanded to answer after a refusal on Constitutional grounds, this being done in the presence and hearing of the other three.

After the October hearings, the record and other evidence was transmitted to the Grand Jury of Stark County, which in regular session, indicted each upon various counts of refusal to answer under the Ohio Revised Code, Sections 2905.03 and 2905.05. The other operative facts as set forth in the record give to this Court a clear picture of the atmosphere at the time of the taking of the record before the Commission.

ARGUMENT.

Appellee concedes jurisdiction.

All of the questions presented by Appellants are answered in favor of Appellee by the holdings in *Raley v. Ohio*, 360 U. S. 423; and the second question in both parts is directly answered by *Knapp v. Schweitzer*, 357 U. S. 371.

CONCLUSION.

The convictions should be affirmed.

Respectfully submitted,

NORMAN J. PUTMAN,
Prosecuting Attorney,
Stark County, Ohio,
Attorney for Appellee,
The State of Ohio.